IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 420 (SS) of 2007

Amar Singh,
Son of Sri Shankar Lal,
Pantnagar,
District – Udham Singh Nagar **……..Petitioner.**

Versus

1. Vice Chancellor, G.B. Pant University of Agriculture and Technology, Pant Nagar, District – Udham Singh Nagar.

2. Director, Administration and Monitoring, G. B. Pant University of Agriculture and Technology, Pant Nagar, District – Udham Singh Nagar

3. Establish Officer, G.B. Pant University of Agriculture and Technology, Pant Nagar, District – Udham Singh Nagar

……..Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Ajay Singh Bisht, learned counsel for the petitioner and Sri Rajendra Dobhal, learned standing counsel for respondents.

From perusal of record, it appears that the Vice Chancellor of the Respondent University directed all the departments of University to engage Sweepers and Labours on contract basis, however, various departments of the Respondent University engaged Sweepers and Labours on daily wage basis, consequently, Director, Administration and Monitoring, G.B. Pant University of Agriculture and Technology, Pant Nagar, District – Udham Singh Nagar issued Circular dated 23.02.2001 not to engage sweepers on daily wage basis and work should be taken on contract basis and further asked the Head of the Department of the University not to allow any person to work, who have been engaged on

contractual basis, for a period more than 179 days at one stretch or for more than 240 days in a year.

Petitioner has filed writ petition no. 3249 (SS) of 2001 challenging the order dated 23.02.2001 passed respondent no. 2 and praying for regularization of his service. Initially, on 02.07.2001, this Court passed order that in the meantime, petitioner shall be paid salary as usual. On 02.11.2006, writ petition was dismissed as withdrawn with a liberty to make representation before appropriate authority.

The submission of learned counsel for the petitioners is that after passing order by this court on 02.11.2006 dismissing the writ petition as withdrawn, services of the petitioner have been terminated by the respondents orally.

Learned counsel for the respondents has submitted that petitioner was engaged on daily wage basis by the department whereas no permission was granted to the department to engage sweeper on daily wage basis and departments were asked to engage persons through contractor on contract basis.

The submission of learned counsel for the petitioner is that action of respondents engaging the petitioner on contract basis is unfair practice.

Petitioner may approach the Labour Court for redressal of his grievance. Writ petition is not maintainable under Article 226 of the Constitution of India and as such, is dismissed on the ground of alternative remedy.

(M.M. Ghildiyal, J)

April 24, 2007
SKSharma